THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.13528 of 1997

Dated:10.04.2007

Between
Sabbavarapu Chinnabbi Naidu

.....Petitioner

and

1.The Chairman & Presiding
Officer, Industrial Tribunal cum
Labour Court, Visakhapatnam
And another.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.13528 of 1997

ORDER:

This writ petition is filed against an Award made in I.D.No.112 of 1993 dated 03.12.1996 on the file of the Industrial Tribunal-cum-Labour Court, Visakhapatnam.

Petitioner is the workman. Second respondent is the Management.

It appears that the petitioner laid a claim under Section 2-A (2) of the Industrial Disputes Act,1947 challenging removal from service and seeking reinstatement with all consequential benefits. It is the case of the petitioner that he is a physically handicapped person, studied up to 8th class, was appointed as a daily wage worker by the 2nd respondent in Government Social Welfare S.C Boys Hostel, Krishnadevipeta on 9.12.1983 on a monthly

salary of Rs.50/- and his services were terminated in July 1987 when the Assistant Social Welfare Officer, Narsipatnam visited the hostel at Krishnadevipeta and asked orally not to attend to duties with effect from 1.1.1987. He was not re-employed in spite of his representation and ultimately he got issued a registered notice on 27.12.1992 demanding arrears of salary. No reply was received.

A counter is filed by the 2nd respondent-Management before the Labour Court, wherein it was admitted that the petitioner worked from 23.12.1983 to October, 1985 and from November, 1985 to April, 1986 and again from 13.6.1986 to April 1987. It is stated that he worked only as a part time worker and was removed because it was compulsory to appoint individuals to the posts of daily wage workers/contingent workers who are sponsored by the Employment Exchange. It is further stated that the petitioner was not sponsored through Employment Exchange and as he

was not appointed as full time worker, his services as part time worker were discontinued with effect from May 1987 without giving any notice.

On behalf of the petitioner-workman, he examined himself as WW1 and marked Exs.W1 to W6. On behalf of the 2nd respondent-Management, none were examined and no documents were marked.

After a detailed consideration of the entire evidence on record, the Tribunal came to the conclusion that the petitioner is not entitled to any notice or retrenchment compensation under Section 25-F of the Act inasmuch as he is not a workman within the definition of Section 2-S of the Act as per the decision reported in *G.Rangamannar Chetty Proprietor Sri Satyanarayana Rice Mill, Nellore v. The Industrial Tribunal by its Chairman, Hyderabad* and another[1] and therefore held that he was not retrenched illegally. However, it was held that since the workman worked for about 4

years, he should be entitled for preferential treatment in future part time or full time employment with the respondent, if he is entitled to the same, as per rules. Aggrieved by the same, the present writ petition is filed.

I am of the opinion that the Labour Court has not committed any error calling for interference of this Court under Article 226 of the Constitution of India in rejecting the claim of the petitioner-workman seeking reinstatement into service. Admittedly, the petitioner was a part time employee and was not a workman within the meaning of Section 25-S of the Act. Therefore, discharging the services of the petitioner on 1.1.1987 cannot be said to be either arbitrary or illegal or contrary to Section 25-F of the Act. Under those circumstances, the writ petition is devoid of merits and is liable to be dismissed.

Writ petition is accordingly dismissed. No costs.

10-04-2007

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[1] AIR 1960 AP 371